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NOV 15 2006

Remarks

The second non-final Office Action mailed August 16, 2006 rejected claims 1-3, 5, 9, 11-13 and 15-17 and objected to claims 4, 6-7, 10 and 18. The Applicant gratefully acknowledges the withdrawal of the previous rejection of the claims, and respectfully requests reconsideration of this newly provided rejection.

Rejection of Claims Under 35 U.S.C. §102(b)

Claims 1-3, 5, 9, 11-13 and 15-17 were rejected as being anticipated by U.S. Patent No. 5,757,586 to Budde ("Budde '586"). This rejection is respectfully traversed.

Budde '586 generally discloses a disassembly tool 100, 102 that facilitates disassembly of a head stack assembly to remove a defective head/flexure assembly 14, 16 from an actuator head mounting arm 18. See Col. 9, lines 44-48 and FIG. 6. The head/flexure assemblies 14, 16 are disclosed as being connected to the associated actuator arms 18 via a swaging process, and the disassembly tool 100, 102 operates to deswage this connection. Col. 5, lines 33-37; col. 10, lines 57-67.

In support of the rejection of claim 1, the Examiner characterized the actuator head mounting arm 18 as the recited "*carrier*." This is respectfully traversed on the basis that the claim term "*carrier*" is a term of art, and the ordinary and customary meaning that a skilled artisan would assign this term in view of the specification would not reasonably cover an actuator arm of a head stack assembly. See *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*); MPEP 2111.01. Rather, the skilled artisan would view the

recited “*carrier*” as distinct from, and not forming a portion of, the recited “*head stack assembly*.”

The Examiner’s characterization of the actuator head mounting arm 18 of Budde ‘586 as the recited “*carrier*” of claim 1 further fails to account for the language of claim 1 that further recites the carrier as “*comprising a carrier support surface arranged to continuously, contactingly support the distal end of the flexure adjacent the transducer,*” as claimed. Instead, the actuator head mounting arm 18 contactingly supports the proximal end of the cantilevered flexure 16 opposite the transducer 14. See e.g., FIG. 7 of Budde ‘586.

The Applicant further respectfully submits that the Examiner’s characterization of the deswaging tools 100, 102 as the recited “*merge tool*” is also misplaced. The term “*merge tool*” is also a term of art, and the ordinary and customary meaning that the skilled artisan would assign this term in view of the specification would not reasonably cover a deswaging tool. Rather, the skilled artisan would clearly distinguish between a merge tool, which merges a head stack assembly with a medium, and a deswaging tool, which takes the head stack assembly apart.

The Applicant points out that claim 1 further recites the merge tool as “*disengag[ing] the flexure from the carrier support surface while merging the transducer with a recording surface*.” Budde ‘586 does not discuss “merging” at all, and the skilled artisan would clearly view disassembly of a head stack assembly as being wholly incompatible with the merging of an assembled head stack assembly with a recording surface.

Indeed, because the disassembly tool 100, 102 of Budde '586 requires clearance both above and below a selected arm 18, the skilled artisan would not view it as either desirable, or possible, to deswage the head/flexure assembly 14, 16 from the arm 18 "*while merging the transducer with a recording surface,*" as claimed.

In order to establish a *prima facie* case of anticipation, every limitation of the claim must be accounted for in the associated reference as set forth by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). As the Examiner has failed to account for every limitation of claim 1, reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested.

As Budde '586 is similarly deficient with regard to the subject matter of independent claims 9 and 15, reconsideration and withdrawal of the rejections of these claims, and for the claims depending therefrom, are also respectfully solicited.

Indication of Allowable Subject Matter

The Applicant gratefully acknowledges the indication of allowability of claims 4, 6-7, 10 and 18.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the non-final Office Action mailed August 16, 2006.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

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